

REMARKS

Claims 1-4, 6-7, 9-13, 17-18 and 20-24 are present in this application. Claims 1, 12, 23 and 24 are independent.

By this Amendment, claims 1, 9, 12 and 23 are amended, claims 5 and 14-16 are canceled, and claim 24 is added. No new matter is involved.

Reconsideration of the application, as amended, is respectfully requested.

Telephone Interview

Applicants acknowledge with appreciation the courtesies extended to Mr. Robert J. Webster, their representative during a telephone interview conducted on February 4, 2008. During that interview, proposed amendments to claims 1 and 12 were discussed as well as new claim 24. No agreement was reached concerning the patentability of claim 1, but agreement was reached that claims 12 and 24 appeared to be patentably distinct over the applied art. Examiner Nguyen also indicated that a new search would be required to address the amended claims.

Rejections under 35 USC § 102 and § 103

Claims 1-3, 5, 6, 9, 12-14, 16, 17 and 20 stand rejected under 35 USC § 102(b) as being anticipated by Watanabe et al., Japanese document 8-205450. This rejection is respectfully traversed. The rejection is moot regarding claims 5, 14 and 16, which have been canceled.

Claim 1, as amended, positively recites a combination of features, including a main body having a first section of the main body having a through hole; a second section disposed on the main body, wherein a recess having a specified size is located between the first and second

sections; a fixing portion formed in the recess; and a fastening structure passing through the first section via the through hole, partially disposed in the recess and having a part with a profile corresponding to that of the recess and having a size substantially identical to the specified size of the recess for precisely positioning the part in the recess so that the part substantially fills the entire recess; wherein the second section prevents one end of the fastening structure from being exposed.

Watanabe differs from this claimed invention. For example, the size of Watanabe's slot 35 appears to be about three times that of the fastening nut 22, so that Watanabe clearly does not disclose the claimed feature of a part with a profile corresponding to that of the recess and having a size substantially identical to the specified size of the recess for precisely positioning the part in the recess so that the part substantially fills the entire recess.

Accordingly, Watanabe does not anticipate the claimed invention.

During the interview, Examiner Nguyen indicated that patent drawings are not drawn to scale. However, as Applicants' representative pointed out to Examiner Nguyen, it has been held that drawings alone constitute proper disclosure even if what is shown in the drawings is accidental. See Ex parte Prybil, 156 USPQ 64 (Bd. Pat. App 1967). Moreover, such disclosure is available for all that it teaches one of ordinary skill in the art. See In re Meng and Driessen, 181 USPQ 94 (CCPA 1974) and In re Aslanian, 200 USPQ 500 (CCPA 1979). Moreover, while patent drawings are normally not drawn to scale, they may nevertheless be used to establish relationships or proportions between the various components which are clearly depicted therein. In re Schreiber, 128 F.3d 1473, 1477-79, 44 USPQ2d at 1431-32, Vas-Cath Inc. v. Mahurkar, 935 F.2d 1555, 1565, 19 USPQ2d 1111, 1118 (Fed. Cir. 1991), In re Mraz, 455 F.2d 1069, 1972,

173 USPQ 25, 27 (CCPA 1972) and In re Heinle, 342 F.2d 1001, 1007, 145 USPQ 131, 136 (CCPA 1965).

Applicants respectfully submit that the relative difference in size between nut 22 and slot 33 is clearly shown in Figs. 4 and 5 of Watanabe and this disclosure cannot be denied by the Office.

Moreover, Applicants respectfully submit that Watanabe does not suggest, or otherwise render obvious the claimed invention because, for example, the claimed invention has a number of advantages over Watanabe's invention because Applicants' gap or recess is not as deep as that shown in Watanabe and, thus, is less costly to fabricate, and permits removal of the fastener more easily and without the need for a tool to be inserted in the gap or recess.

With respect to claim 12, Examiner Nguyen agreed that this claim, as amended to recite a combination of features, including a non-threaded fastener, appears to patentably define over the applied art.

Accordingly, Applicants respectfully submit that claims 1-3, 5,6, 9, 12-14, 16-17 and 20 patentably define over the applied art.

Reconsideration and withdrawal of these rejections of claims 1-3, 6, 9, 12-13, 17 and 20 are respectfully requested.

Claim 23 stands rejected under 35 USC § 102(b) as being anticipated by Tichy, German document 3809627. This rejection is respectfully traversed.

With regard to independent claim 23, as amended, this claim sets forth (emphasis added):

23. A fan assembly comprising:
a rotor;

a fan housing receiving the rotor therein and having a main body with a first section, having a hole, and a second section, wherein **a gap is formed between the first and second sections; and**
a non-threaded fastening structure having a hook passing through the hole to connect the gap or joining the gap from outside of the fan housing.

In Tichy, element (11) is threaded, a fact agreed to during the aforementioned interview. Thus Tichy does not disclose or suggest the claimed invention.

In view of the foregoing amendments and remarks, it is respectfully submitted that the prior art utilized by the Examiner fails to teach or suggest the apparatus and fan assembly of independent claim 23. Reconsideration and withdrawal of this rejection of claim 23 are respectfully requested.

Claims 4 and 15 stand rejected under 35 USC § 103 as being unpatentable over Watanabe et al. in view of Emberson, U.S. Patent 4,099,274. This rejection is respectfully traversed. It is moot regarding claim 15, which has been canceled.

Claims 7 and 18 stand rejected under 35 USC § 103 as being unpatentable over Watanabe et al. in view of Tichy. This rejection is respectfully traversed.

Claims 10, 11, 21 and 22 stand rejected under 35 USC 103 as being unpatentable over Watanabe et al. in view of Chung, U.S. Patent 5,997,265. This rejection is respectfully traversed.

Applicants respectfully submit that Watanabe does not disclose the subject matter of claim 1, from which claims 4, 7, 10 and 11 depend, or the subject matter of claim 12, from which claims 15, 18, 21 and 22 depend, for reasons discussed above. Moreover, none of the secondary references is applied to remedy the aforementioned deficiencies/shortcomings of Watanabe. So,

no matter how Watanabe is modified based on the secondary references, the so-modified version of Watanabe cannot possibly disclose, suggest, or otherwise render obvious the claimed invention. Furthermore, with respect to claim 12, and claims that depend on claim 12, the applied references do not disclose or suggest non-threaded fasteners.

Accordingly, reconsideration and withdrawal of these rejections of claims 4, 7, 10, 11, 15, 18, 21 and 22 are respectfully requested.

New Claim 24

New claim 24 recites a combination invention with features similar to those recited in the subcombination invention recited in claim 12, including a non-threaded fastening structure, which is clearly neither disclosed nor suggested by the applied art.

Consideration and examination of claim 24 on its merits are respectfully requested.

Conclusion

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

In the event that any outstanding matters remain in this application, the Examiner is strongly encouraged to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 19, 2008

Respectfully submitted,

By 

Paul C. Lewis

Registration No.: 43,368

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicants